

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES

V

JOHN WAGNER

No. 1:12-CR-49
Judge Collier/Carter

MOTION FOR MENTAL EXAMINATION AND EVALUATION

Comes Charles P. Dupree, counsel for John Wagner and Moves this Court for an Order that Defendant be evaluated for Competency and mental function both presently and at the time of the offence at Government Expense and for cause would show:

Mr. Wagner talked to Counsel after the last hearing and noted that he is having trouble remembering both incidents and conversations, both with counsel and in the past. This is making it extremely difficult for Counsel to discuss proof or strategy with the client. Wagner also has said that his memory losses or lapses creates a difficulty understanding and responding to questions and providing simple details to assist his counsel in the preparation of his case.

Prior to the filing of this motion I had explained to Mr. Wagner that this would involve his being evaluated at another location if the Motion is granted.

The evaluation is necessary at this time since Defendant has decided that he now wants to go to trial in this case. The United States Attorney was consulted prior to filing this motion and she has no objection to the relief being granted.

Respectfully submitted,

/s/ Charles P. Dupree
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Service is Certified by electronic filing on November 13, 2012 */s/ Charles P. Dupree*